



FAX TRANSMISSION

DATE: February 1, 2006

PTO IDENTIFIER: Application Number 10/614391-Conf. #1745
Patent Number

Inventor: Rodney E. MASSIE et al.

MESSAGE TO: Office of Patent Publication

FAX NUMBER: (571) 273-2885

FROM: WILMER CUTLER PICKERING HALE AND DORR LLP

Irah H. Donner

PHONE: (212) 230-8800

Attorney Dkt. #: 110275.128 US1

PAGES (Including Cover Sheet): 6

CONTENTS: Certificate of Transmission (1 page)
Issue Fee Transmittal (1 page)
Response to Examiner's Reasons for Allowance (3 pages)

If your receipt of this transmission is in error, please notify this firm immediately by collect call to sender at (212) 230-8800 and send the original transmission to us by return mail at the address below.

This transmission is intended for the sole use of the individual and entity to whom it is addressed, and may contain information that is privileged, confidential and exempt from disclosure under applicable law. You are hereby notified that any dissemination, distribution or duplication of this transmission by someone other than the intended addressee or its designated agent is strictly prohibited.

WILMER CUTLER PICKERING HALE AND DORR LLP
399 Park Avenue, New York, New York 10022
Telephone: (212) 230-8800 Facsimile: (212) 230-8868

BEST AVAILABLE COPY



11:14 FAX 212 230 8888

WILMER CUTLER PICKERING

002/006

PTO/SB/07 (06-04)

Approved for use through 07/31/2008. OMB 0651-0031

U. S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

Application No. (If known): 10/614391

Attorney Docket No.: 110275.128 US1

Certificate of Transmission under 37 CFR 1.8

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office.

on 2/1/06
Date


Signature

Michael M. Riego

Typed or printed name of person signing Certificate

Registration Number, if applicable

(212) 230-8800
Telephone Number

Note: Each paper must have its own certificate of transmission, or this certificate must identify each submitted paper.

Fax Cover Sheet to USPTO (1 page)
Issue Fee Transmittal (1 page)
Response to Examiner's Reasons for Allowance (3 pages)

BEST AVAILABLE COPY

5497072



Doctet No.: 110275.128 US1

WILMER CUTLER PICKERING

004/006

PATENT/OFFICIAL

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of :
Rodney E. Massie et al. :
Serial No. 10/614,391 : Group Art Unit: 2683
Filed: July 8, 2003 : Examiner: Chuck Huynh
For: SYSTEM AND METHOD OF QUERYING A DEVICE, CHECKING DEVICE
ROAMING HISTORY AND/OR OBTAINING DEVICE MODEM STATISTICS
WHEN DEVICE IS WITHIN A HOME NETWORK AND/OR COMPLEMENTARY
NETWORK

RESPONSE TO EXAMINER'S REASONS FOR ALLOWANCE

Honorable Commissioner for Patents
Alexandria, VA 22313-1450

Sir:

Applicants substantially agree with the Examiner's reasons for allowance in the Office Action, subject to the comments herein. Applicants would like to emphasize, and assume that the Examiner intended to so state, that the combination of elements in each of the allowed claims, independent and dependent, are patentably distinguishable over the prior art when each claim is interpreted as a whole.

Applicants provide no opinion with respect to interpreting the references cited by the Examiner, and therefore, does not concede to the Examiner's interpretation of same, as permitted under 37 C.F.R. Section 1.104(e), particularly since the Examiner does not respond to an Applicant's Response to Reasons for Allowance. Applicants would like to clarify that the only interpretation that Applicants will accept or agrees with is the interpretation that one of ordinary

US1DOCS 6499830v1

PAGE 4/6 * RCVD AT 2/1/2006 11:09:30 AM [Eastern Standard Time] * SVR:USPTO-EXRF-6/27 * DNIS:2732885 * CSID:212 230 8888 * DURATION (mm:ss):02:00

BEST AVAILABLE COPY



skill in the art would understand from the prior art references.

Applicants strongly emphasize that one reviewing the prosecution history should not interpret any of the examples Applicant has described herein in connection with distinguishing over the prior art as limiting to those specific features in isolation. Rather, Applicants assert that it is the combination of elements recited in each of the claims, when each claim is interpreted as a whole, which is patentable. Applicants have emphasized certain features in the claims as clearly not present in the cited references, as discussed above. However, Applicants do not concede that other features in the claims are found in the prior art. Rather, for the sake of simplicity, Applicants are providing examples of why the claims described above are distinguishable over the cited prior art.

Applicants wish to clarify for the record, if necessary, that the claims have been amended to expedite prosecution. Moreover, Applicants reserve the right to pursue the original subject matter recited in the present claims in a continuation application.

Further, Applicants hereby retract any arguments and/or statements made during prosecution that were rejected by the Examiner during prosecution and/or that were unnecessary to obtain allowance, and only maintains the arguments that persuaded the Examiner with respect to the allowability of the patent claims, as one of ordinary skill would understand from a review of the prosecution history. That is, Applicants specifically retract statements that one of ordinary skill would recognize from reading the file history were not necessary, not used and/or were rejected by the Examiner in allowing the patent application.

Any narrowing amendments made to the claims in the present Amendment are not to be construed as a surrender of any subject matter between the original claims and the present claims; rather merely Applicants' best attempt at providing one or more definitions of what the



02/01/2006 11:15 FAX 212 230 8888

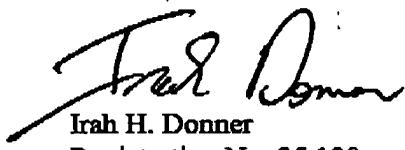
WILMER CUTLER PICKERING

006/006

Applicants believe to be suitable patent protection. In addition, the present claims provide the intended scope of protection that Applicants are seeking for this application. Therefore, no estoppel should be presumed, and Applicants' claims are intended to include a scope of protection under the Doctrine of Equivalents.

Respectfully submitted,

WILMER CUTLER PICKERING
HALE AND DORR LLP



Irah H. Donner
Registration No. 35,120

399 Park Ave.
New York, NY 10022
TEL 212.230.8887
FAX 212.230.8888
Date: 2/1/06
IHD/mmr

US1DOCS 5486830v1

PAGE 6/6 * RCVD AT 2/1/2006 11:09:30 AM [Eastern Standard Time] * SVR:USPTO-EFXRF-6/27 * DNIS:2732885 * CSID:212 230 8888 * DURATION (mm:ss):02:00

TEST AVAILABLE COPY